

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH SOUTH CENTRAL	)	
BELL TELEPHONE COMPANY'S PROPOSED	)	CASE NO. 94-424
CONTRACT WITH CUMMINS CUMBERLAND	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed November 4, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with South Central Bell's proposed contract with Cummins Cumberland for the provision of Integrated Services Digital Network - Individual Business Service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has contracted with Cummins Cumberland for the provision of Integrated Services Digital Network - Individual Business Service ("ISDN-IBS"). Although ISDN-IBS is a tariffed service, the tariff is restricted to appropriate outside plant facilities. Cummins Cumberland's facilities are approximately 18,000 feet from the central office and the serving facility is copper. In order to provide ISDN-IBS service, South Central Bell must deploy an in-line repeater, and the contract rates cover the

additional costs of providing service. By this petition, South Central Bell seeks to protect as confidential the cost support information.

The information sought to be protected is not known outside South Central Bell and is not disseminated within South Central Bell except to those employees with a legitimate business need to know and act upon the information. South Central Bell seeks to protect and preserve the confidentiality of the information through all appropriate means including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

ISDN-IBS service allows business customers to transmit voice and data over ISDN channels through the exchange network. This


service is an alternative to other local exchange service offerings, private line data services and dedicated private line networks. Competitors for this service are cellular carriers who may also provide cellular data services and will soon include providers of personal communication services, cable television providers, and alternate access providers. Additionally, competitors for private line data services and networks are interexchange carriers, resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and services. The information sought to be protected would enable competitors to determine South Central Bell's cost and contribution from the service which they could use in marketing their competing service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

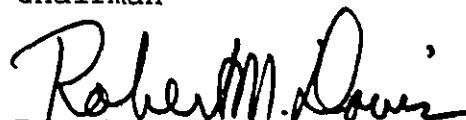
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its proposed contract with Cummins Cumberland for ISDN-IBS service, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 1st day of December, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director